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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,230	03/14/2000	Jorgen Birkler	34650-00492USPT	7837

7590	07/16/2004

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EXAMINER
NALVEN, ANDREW L

ART UNIT	PAPER NUMBER
2134	11

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 April 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-65* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-65* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 March 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-65 are pending.

2.   Amendment mailed 14 April 2004 has been received and entered.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-65 have been considered but are

moot in view of the new ground(s) of rejection.

Drawings

4.   This application has been filed with informal drawings that are acceptable for

examination purposes only. Formal drawings will be required when the application is

allowed.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-14, 16-22, 24-35, 37-41, 43-56, and 58-64 are rejected under 35 U.S.C.

103(a) as being unpatentable over Tomko et al US Patent No 5,712,912 in view of

Weinstein et al US Patent No 4,453,074 and Watkins et al US Patent No. 5,719,560.

Tomko discloses a method for handling PIN numbers using biometric techniques.

Weinstein discloses a protection system for intelligent cards. Watkins discloses a

system for automatic verification of a personal identity.

7.   With regards to claims 1, 24, and 43, Tomko teaches the encrypting of data using

a non-verifiable personal identifier (Tomko, Figure 6A, column 4 lines 6-8) and the

storing of the encrypted data in memory (Tomko, Figure 6A, column 4 lines 8-11). The

stored data can only be correctly decrypted using the non-verifiable personal identifier

(Tomko, Figure 6B, column 4 lines 17-27). Tomko fails to teach the encrypting and

storage of a reminder along with the data and the reminder being user-entered.

Weinstein teaches the encryption of a reminder (Weinstein, column 9 line 62 – column

10 line 1) and the storage of the reminder in memory (Weinstein, column 9 lines 64-65).

Watkins discloses a user-entered reminder (Watkins, column line 61 – column 5 line 5).

At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to utilize Weinstein's encrypted reminder and Watkins' user-entered

reminder with Tomko's PIN handling method because it offers the advantage of making

it more difficult for a forger to perform cryptanalysis on the password or encrypted data

(Weinstein, column 4 line 14 – column 5 line 2) and because user's are less likely to

forget a user-entered reminder (Watkins, column 5 lines 6-10).

8.   With regards to claims 2, 25, and 44, Tomko as modified teaches everything

claimed above (see claim 1) and in addition Tomko teaches the data being one or more

personal identification codes (Tomko, column 3 lines 16-20, data is the PINs).

9.   With regards to claims 3, 26, and 45, Tomko as modified teaches everything

claimed above (see claim 1) and in addition Weinstein teaches the reminder being a

user-identifiable code (Weinstein, column 4 lines 22-31).

10.   With regards to claims 4, 27, and 46, Tomko as modified teaches everything

claimed above (see claim 1) and in addition Tomko teaches the non-verifiable personal

identifier (biometric) not being stored in memory (Tomko, Figures 6A and 6B).

11.   With regards to claims 5, 28, and 47, Tomko as modified teaches everything

claimed above (see claim 4) and in addition Weinstein teaches the non-verifiable

personal identifier being comprised of alphanumeric characters (Weinstein, column 11

lines 28-34).

12.   With regards to claims 6-7, 29-30, and 48-49, Tomko as modified teaches

everything claimed above (see claim 4) and in addition Tomko teaches the non-

verifiable personal identifier being comprised of an identifiable personal characteristic

such as a human voice, fingerprint, or eye (Tomko, column 3 lines 16-20 and 51-56).

13.   With regards to claims 8, 31 and 50, Tomko as modified teaches everything

claimed above (see claim 4) and in addition they teach the application of the non-

verifiable personal identifier against the stored encrypted data and the stored encrypted

reminder so as to decrypt the stored encrypted data and reminder (Tomko, Figure 6B,

column 4 lines 17-27 and Weinstein, column 9 line 62 – column 10 line 1).

14.   With regards to claims 9, 17, 20, 51, 59, and 62, Tomko as modified teaches everything claimed above (see claim 8) and in addition Tomko teaches the providing of the decrypted data (Tomko, column 4 lines 17-27).

15.   With regards to claims 10-14, 32-35, and 52-56, Tomko as modified teaches everything claimed above (see claim 9) and in addition Weinstein teaches the data and reminder being displayed (Weinstein, column 8 lines 51-53 and column 10 lines 18-47).

16.   With regards to claims 16, 37 and 58, Tomko as modified teaches everything claimed above (see claim 1) and in addition they teach the applying of the another non-verifiable personal identifier against the stored encrypted data and the stored encrypted reminder so as to incorrectly decrypt the stored encrypted data and reminder (Tomko, Figure 6B, column 4 lines 17-27 and Weinstein, column 9 line 62 – column 10 line 1 and column 10 lines 26-33 and column 13 lines 48-51).

17.   With regards to claims 18-19, 21-22, 38-41, 60-61, and 63-64, Tomko as modified teaches everything claimed above (see claim 17) and in addition Weinstein teaches the incorrect data and reminder being displayed (Weinstein, column 8 lines 51-53 and column 10 lines 18-47).

18.   Claims 15, 23, 36, 42, 57, and 65 rejected under 35 U.S.C. 103(a) as being unpatentable over Tomko et al US Patent No 5,712,912, Weinstein et al US Patent No 4,453,074, and Watkins et al US Patent No. 5,719,560 as applied to claims 8, 16, 31, 37, 50, and 58 above, and further in view of Davis et al US Patent No. 6,088,450.

19.   With regards to claims 15, 23, 36, 42, 57, and 65, Tomko as modified fails to

teach the waiting of a predetermined time before using a personal identifier for another

decryption. Davis teaches the imposition of a time-delay for accessing resources

(Davis, column 6, lines 20-25). At the time the invention was made, it would have been

obvious to a person of ordinary skill in the art to utilize Davis' time delay method

because it provides an increase in security to the conventional password based security

system (Davis, column 1, lines 30-50 and lines 20-25).

Conclusion

20.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

21.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Andrew L Nalven whose telephone number is 703 305
8407. The examiner can normally be reached on Monday - Thursday 8-6, Alternate
Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Gregory Morse can be reached on 703 308 4789. The fax phone number
for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

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